HIGH COURT OF UTTARANCHAL
AT NAINITAL
ORIGINAL JURISDICTION

Dated Nainital the 25th day of August 2005

Bail Application No. 733 of 2005

Order on the bail application of accused.

CRIMINAL SIDE

Ram Dhani S/o Raghunath
R/o village-Souna, P.S.Souna,
District Ghazipur(U.P.)
Present resident of 150 Avash Vikash Colony
P.S.Khatima, district Udham Singh Nagar
Beilder Ploy Plax factory, Khatima ….…..…..
Applicant

Versus

State of Uttaranchal ……..Opposite Party

Case Crime No. 344 of 2004
Under Sections 302/307 IPC
Police Station – Khatima
District – Udham Singh Nagar

BY THE COURT

Hon'ble J. C. S. Rawat, J.

Heard learned counsel for the applicant and learned AGA for the State and perused the record.

It is on record that the marriage in between the applicant and the deceased was solemnized on 11.3.2004. It is also on record that the deceased had a son of 10 years, namely Mukesh from the previous husband. It is also on record that the applicant and the deceased were in a room in the night of 13/14.6.2004. It is also in the evidence that in the morning the dead body of the deceased was found inside the house. It is also on record that the applicant was not present in the room and the room was locked. The applicant was apprehended on 16.6.2004 near a railway station in an

injured condition. Master Mukesh has alleged in his statement that the applicant has beaten the deceased with hammer and sickle and he was also beaten by the applicant. He left the house and on return Mukesh found the room locked. Her mother did not respond from the room. The police came in the morning in the house. They found the hammer, sickle and blood stained clothes inside the house. It is also in the evidence that the room was ignited to fire and smoke was coming outside the house in the morning. The witnesses saw this fact also. The applicant left the house when the room was locked. Mukesh has also sustained injuries. It is also in evidence that Mukesh stated in the morning to Sarvesh Kumar Pathak and Sanjya Gupta that her mother had been murdered by the applicant. This is the evidence of res gestae. There is ample evidence on record that the applicant is the main assailant of the deceased. Considering the facts and circumstances of the case, it is not a fit case for bail. Rejected.

Dated 25.8.2005 **(J.C.S. Rawat, J.)**
MPS